

REMARKS

The Office Action dated December 18, 2007 has been carefully reviewed and considered. Claims 1-6 are currently pending and Claims 1-6 stand rejected. Applicant respectfully requests entry of the foregoing remarks and reconsideration of the present application in light of the remarks below.

Objection to Drawing(s)

The Office Action has objected drawings because some informal drawing contains letters and characters that are hard to read and understand. The formal drawings are in the process of preparation and will be submitted as soon as we have them. Accordingly, withdrawal of the objection is respectfully requested.

The 35 U.S.C. §102 Rejection

Claims 1-3, 5 and 6 stand rejected under 35 U.S.C. §102(e) as being allegedly anticipated by Medvinsky et al. (U.S. Pub. No. 20030093694), hereinafter referred to as Medvinsky, among which Claims 1 and 6 are independent claims. Without admitting that Medvinsky is prior art and reserving the right to establish that it is not prior art, Applicant respectfully traverses this rejection for the reasons below.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is

contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 869 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). *See also*, M.P.E.P. §2131.

Applicant respectfully submits that Medvinsky does not anticipate the presently claimed invention because Medvinsky fails to disclose each and every element set forth in the claimed invention. For example, Claim 1 of the present invention recites in part:

modifying an original header associated with an original data packet wherein key information is added, (emphasis added)

The embodiment of the present invention essentially discloses a technique of modifying a packet header in response to key information for packet encryption. More specifically,

FIG. 10 and its corresponding description of the present application describe that,

FIG. 10 reveals a standard IP packet header that has been modified (1002) to support the encryption of the IP packet data payload that follows it. Two fields of the IP header, the fragment identification and the fragment offset have been replaced by three fields, the mixing key refresh ratio value or ration 1 (1006), the working key refresh ratio value or ration 2 (1008) and the offset for selecting key and IV values (1004) from a final pad.

See page 13 lines 3-8 of the specification and FIG. 10 of the present application.

In contrast, Medvinsky never discloses or mentions modifying or altering or editing a header of an original data packet in accordance with key information. Applicant disagrees with the assertion made by the Office Action that [0099]-[0104] of Medvinsky discloses “a method comprising: modifying an original header associated with an original data packet wherein key information is added.” See page 3 of the Office Action.

Paragraph [0099] to [0104] of Medvinsky states that,

[0099] An encoded RTCP packet contains the original encrypted RTCP packet plus some additional fields:

[0100] Secure session identifier

[0101] Packet sequence number

[0102] IV (Initialization Vector), needed only when the selected encryption algorithm is a block cipher in CBC (Cipher Block Chaining) mode

5 [0103] MAC--Message Authentication Code to provide message integrity

[0104] Each packet is encoded using the following procedure: The source IP address and UDP port are used to look up the Session ID for this packet. (In the case of point-to-point delivery, the Session ID is a random number, unique for both endpoints of the connection.) The Session ID in turn identifies a set of security parameters for encrypting this packet. These parameters are: EK--media stream encryption key (same as for RTP), K.sub.MAC--message authentication key.

As can be seen, Medvinsky has never disclosed a mechanism of modifying or altering or editing a header of an original data packet in accordance with key information.

At least for this reason, Medvinsky can not anticipate Claim 1 because Medvinsky fails to anticipate each and every element set forth in the claimed invention. Therefore, Claim 1 should be patentable over Medvinsky under §102. Since Claim 6 contains similar limitations as Claim 1, Claim 6 should also be patentable over Medvinsky for the same reason.

If the independent claims are valid, the claims that depend from the independent claims should also be valid as matter of law. See Jenrie/Pentron, Inc. v. Dillon Co., 205 F. 3d 1377, 1382 (Fed. Cir. 2000). Since Claims 2-3 and 5 depend on allowable independent Claim 1, Claims 2-3 and 5 should also be patentable as matter of law.

The 35 U.S.C. §103 Rejection

Claim 4 stands rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Medvinsky. Without admitting that Medvinsky is prior art and reserving the right to establish that it is not prior art, Applicant respectfully traverses this rejection for the reasons below.

According to M.P.E.P. §2143,

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.

The Office Action correctly determines that "Medvinsky does not explicitly disclose wherein the modifying further comprises replacing the fragmentation identification and fragment offset of the original header with a mixing key and an offset." See page 4-page 5 of the Office Action. Applicant, however, disagrees with the assertion made by the Office Action that "[i]t would have been obvious to one having ordinary skill in the art to replace the fragmentation identification and fragment set of the original header with a mixing key and an offset because IP packet header enables certain field to be used to communicate security parameters associated with the packet." See page 5 of the Office Action.

Applicant, however, submits that since Claim 4 depends on Claim 1, which is allowable as described above, Claim 4 should also be patentable as matter of law.

Conclusion

Based on all of the above, Applicant believes all claims now pending in the present application are in condition for allowance.

No additional fees are believed to be due at this time. However, please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-4225.


Applicant thanks the Examiner for carefully examining the present application and if a telephone conference would facilitate the prosecution of this application, the

Examiner is invited to contact Jim Wu at (408) 280-1800.

Respectfully submitted,

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